

REMARKS

Applicants respectfully thank the Examiner for acknowledging the claim for foreign priority in this Application.

In response to the Office Action dated April 16, 2008, Applicants request reconsideration based on the amendments herein and at least the following remarks. Applicants respectfully submit that the claims as presented herein are in condition for allowance.

Claims 1-12 and 23 are pending in the present application. Claim 10 has been amended, while claims 24-26 have been added.

No new matter has been added by the amendments or new claims, specifically, claim 10 has been amended to correct an informality, while support for the new claims can be found at least in FIGS. 2A and 2B, as well as at page 25, line 23 through page 32, line 20 of the specification as filed.

Applicants respectfully request reconsideration of claims 1-12 and 23-26 based upon the amendments and at least the following remarks.

Abstract

The Abstract of the Disclosure has been objected to because it was not submitted on a separate sheet.

Applicants respectfully note that the Abstract of the Disclosure has been amended to begin on a separate sheet, as well as to correct minor grammatical and antecedent basis errors, as indicated by the amendments to the Abstract of the Disclosure above. No new matter has been added.

Therefore, it is respectfully requested that the objection to the Abstract of the Disclosure be withdrawn.

Claim Objections

Claim 10 stands objected to for informalities. More specifically, the Examiner states that claim 10 contains a typo, i.e., the term “tree-call” should be “free-call” in the claim.

It is respectfully noted that claim 10 has been amended to refer to the term “free-call” vice “tree-call”.

Therefore, it is respectfully requested that the objection to claim 10 be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claims 1-12 and 23 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Applicant’s Own Admissions (hereinafter “AOA”) in view of Ruckert et al. (U.S. Patent No. 6,950,506, hereinafter “Ruckert”) and further in view of Holda-Fleck (U.S. Patent No. 5,729,693, hereinafter “Holda”) and further in view of Official Notice.

The Examiner states on pages 3-5 of the Office Action that Applicants’ own admissions (hereinafter “AOA”) teach all elements of independent claim 1 except “a free-call request information receiver, a free-call request information transmitter, receiving free-call request information containing a telephone number of a customer acquiring a specific one of the free-call certificates and affiliated store identification information from a specific one of one or more affiliated store terminals held respectively by said affiliated stores, or transmitting said free-call request information authenticated by said authentication processor to a communication company server managed by said communication company so that the communication company server can deduct the amount of money corresponding to an individual free-call time

allocated to said specific free-call certificate acquired by said customer from communication fees to be charged to said customer's telephone number contained in said free-call request information", which the Examiner further states is taught by Ruckart, et al. (U.S. Pat. No. 6,950,506, hereinafter "Ruckart"), primarily at columns 6 and 7. The Examiner also states that neither AOA nor Ruckart teach "providing the prepaid calling credits to the customer free of charge as an award", which the Examiner states is taught by Holda-Fleck, et al. (U.S. Pat. No. 5,729,693, hereinafter "Holda-Fleck"). Applicants respectfully traverse for at least the following reasons.

It is respectfully noted that Applicants have not made any admission as to a database, and more particularly, have not made any admission as to the free-call certificate management database 110 disclosed in claim 1, shown in FIG. 1, and described at page 12, lines 15-21 of the application as filed. While the integrated management process which the free-call certificate management server 100 according to an exemplary embodiment performs is described on page 13, as the Examiner correctly notes, the database itself is not admitted therein, or anywhere else in the application as filed.

Further, the free-call certificate management server 100 itself has not been admitted by the Applicants (see, e.g., FIG. 1 and page 13, lines 1-2 of the application as filed), nor is the free-call certificate management server 100 taught by Ruckart and/or Holda-Fleck (or any combination thereof.) Similarly, the authentication processor 130 has not been admitted by the Applicants or taught by Ruckart and/or Holda-Fleck, but instead an operation thereof has been described (see, e.g., FIG. 1 and page 15, lines 12-13 of the application as filed).

Thus, AOA, Ruckart and/or Holda-Fleck, alone or in any combination thereof, fail to teach or suggest *a free-call certificate management server, a free-call certificate management database or an authentication processor*, as in independent claim 1.

As a result, it is respectfully submitted that claim 1, including claims depending therefrom, i.e., claims 2-12 and 23, define over AOA and the cited references.

In addition, regarding the alleged teachings of Ruckart and/or Holda-Fleck, Applicants respectfully note that Ruckart teaches a method and system wherein a customer purchases, either at a retail seller or a vending machine, a fixed amount of pre-paid cellular telephone “minutes”. (See, e.g., column 5, lines 15-37; column 7, lines 26-29; and column 8, lines 9-19.) Thus, Ruckart teaches a technique of subtracting communication charges from prepaid calling credits having a prepaid payment amount. Put another way, Ruckart teaches a technique wherein when an origination number (phone number) and a code corresponding to a predefined payment amount for prepaid credits are received, a system credits an account regarding a phone number having a predetermined payment amount for prepaid credits. That is, the technique of Ruckart is to subtract telephone charges from prepaid credits of a client account.. In contrast and in accordance with the present invention, however, a customer is automatically credited with free-call time, as disclosed in claim 1.

Furthermore, Applicants respectfully submit that Ruckart fails to teach or suggest a free-call request information receiver or a free-call request information transmitter, as alleged by the Examiner on page 4 of the Office action. In particular, the allegedly analogous free-call request information receiver and a free-call request information transmitter of Ruckart is instead a mobile telephone switching office in communication with a computer system 45 through a central processor 47 (column 6, lines 33-35 of Ruckart, as noted by the Examiner on page 4 of the Office Action).

Therefore, Ruckart discloses, at best, the computer system (component 45 of FIG. 2) which is capable of communicating with buyers and sellers of pre-paid telephone minutes. Specifically, the computer system of Ruckart includes only the central processor 47, a system memory 49, an operating system 51 and a prepaid module 53 (all shown in FIG. 2). Further, the prepaid module 53 is simply another memory device, i.e., a storage device “such as a diskette, compact disk, or hard drive” (column 6, lines 60-61 of Ruckart).

Holda-Fleck, on the other hand, generally discloses a rebate system wherein a consumer purchases a product, receives a rebate coupon, calls a telephone number,

enters a rebate code from the coupon and a serial number from the purchased product, and sometime thereafter obtains a rebate in the form of a credit to their cellular telephone account. (See, e.g., Abstract; column 3, lines 5-10; and column 3, lines 17-25). Holda-Fleck is silent, however, as to any physical elements of claim 1, as well as to subtracting an amount corresponding to a free-call time of a free-call certification with the free-call request information transmitter, i.e., automatically without any action by the consumer.

Further, Applicants respectfully disagree with Examiner's characterization of the term "rebate" as used in Holda-Fleck and in comparison with the present invention. Specifically, the present invention teaches that a free-call certificate (allegedly analogous to the rebate of Holda-Fleck) for a free-call certification sold to an affiliated store, while the term rebate as used in the technique of Holda-Fleck corresponds to compensating a client for telephone charges by subtracting a rebate amount for a product from telephone charges of the client.

Therefore, neither Ruckart nor Holda-Fleck, alone or in combination, teach or suggest a free-call request information receiver for receiving free-call request information containing a telephone number of a customer acquiring a specific one of the free-call certificates and affiliated store identification information from a specific one of one or more affiliated store terminals held respectively by said affiliated stores or a free-call request information transmitter for transmitting said free-call request information authenticated by said authentication processor to a communication company server managed by said communication company so that the communication company server can deduct the amount of money corresponding to an individual free-call time allocated to said specific free-call certificate acquired by said customer from communication fees to be charged to said customer's telephone number contained in said free-call request information, as in independent claim 1.

Furthermore, neither Ruckart nor Holda-Fleck, alone or in combination, provide any motivation for modification to teach or suggest the present invention. Instead, both Ruckart and Holda-Fleck clearly teach away from any such modification. As described above, for example, Ruckart teaches that a customer

purchases, e.g., pays for, the pre-paid telephone minutes, in contrast with the present invention, wherein the certificates are free, e.g., are not paid for. Likewise, the disclosure of Holda-Fleck requires that the consumer take action (receive a coupon, call a telephone number, enter several numbers/codes and, finally, at some point thereafter receive a credit towards charges associated with previously-placed telephone calls), e.g., the allegedly analogous rebate of Holda-Fleck is rebate is not automatic, as in the present invention.

Thus, it is respectfully submitted that claim 1, including claims depending therefrom, i.e., claims 2-12 and 23, define over the cited references for these additional reasons, as well.

Accordingly, it is respectfully submitted that the rejection of claims 1-12 and 12 under 35 U.S.C. § 103(a) be withdrawn.

In addition regarding dependent claim 5, Applicants respectfully traverse the Official Notice on pages 8-9 of the Office Action that “processing refunds for purchases in the manner detailed in [claim 5] is old and well known in the art.” Specifically, absolutely no documentary evidence has been provided to support the Official Notice. Applicants respectfully note that, per Referring to MPEP § 2144.03, “It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art” (emphasis added; citations omitted).

Thus, it is respectfully submitted that claim 5 defines over the cited references.

Accordingly, it is respectfully submitted that the rejection of claim 5 under 35 U.S.C. § 103(a) be withdrawn for this additional reason, as well.

Conclusion

In view of the foregoing remarks distinguishing the prior art of record, Applicants respectfully submit that this application is in condition for allowance. Early notification to this effect is requested. The Examiner is invited to contact Applicants' attorneys at the below-listed telephone number regarding this Amendment or otherwise regarding the present application in order to address any questions or remaining issues concerning the same. If there are any charges due in connection with this response, please charge them to Deposit Account 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By: /James J. Merrick/
James J. Merrick
Registration No. 43,801
Confirmation No. 4287
Cantor Colburn LLP
20 Church Street, 22nd Floor
Hartford, CT 06103
Telephone (860) 286-2929
Customer No. 23413

Date: July 16, 2008